

REMARKS

Claim Rejections – 35 USC § 102

The Examiner has cited United States Patent Application No. 2004/0142089, issued to Hisatomi, and United States Patent No. 4,120,986, issued to Charles Carl Lynn, against claims 1-10, 12, and 13 of this application. The Hisatomi application is directed to a beans paste made by grinding beans as raw materials and mixing water in to give a more palatable texture and taste (Page 1, Paragraph 2). However, although the invention is directed to a beans paste, one embodiment describes the production of “mayonnaise related food,” using the “beans paste of the present invention instead of egg yolk and adding and mixing vinegar and edible oil to the beans paste” (Page 3, Paragraph 41). Indeed, in “Practice Example 7-12, Comparative Example 3, 4” Hisatomi teaches a composition for producing mayonnaise related food, using ingredients including soybeans oil, apple vinegar, and xanthan gum, a viscosity increasing stabilizer.

The present invention is also directed to a composition that can be used as a substitute for egg in many recipes (Page 6, Lines 11-13) utilizing vinegar, edible oil and gum, such as xanthan gum (Page 1, Paragraph 19). However, unlike the Hisatomi invention, the egg substitute produced in the present invention is not based upon a beans paste as the main ingredient. In fact, the present application does not mention beans paste at all as one of its ingredients. In contrast, the object of the Hisatomi invention is to teach a beans paste, which, when added with certain additional ingredients can be used as an egg yolk substitute in mayonnaise related foods. In fact, Hisatomi states, “There hasn’t been any method for producing mayonnaise related food that uses beans paste until

today” (Page 1, Paragraph 11, Lines 4-6). In the Hisatomi application, every single example cited of the composition disclosed contains some form of beans paste.

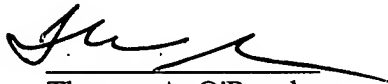
Indeed, not using beans paste as an ingredient in an egg substitute has its advantages. For instance, production of an egg substitute without employing beans paste eliminates the need to produce the beans paste itself. In contrast, in the Hisatomi application, the applicant makes certain to mention the importance of grinding beans into paste and discloses a method of grinding beans made to contain a high percentage of water molecules, creating viscosity directly from the beans (Page 2, Paragraph 35). This possibly time-consuming process is not necessary to create the product claimed in the present application, as beans paste is not a listed ingredient.

The Examiner has also cited United States Patent No. 4,120,986, issued to Lynn, against the claims of the present application. The ‘986 patent is directed to a composition for replacing whole eggs. However, in sharp contrast to the present invention, many ingredients are necessary in addition to the water, vinegar, edible oil and gum necessary for the production of the present composition. For example, the most “stripped down” composition disclosed by Lynn is his “whole egg replacer base” which contains “food grade emulsifiers, lecithin, pregelatinized starch, gums, and optionally, appearance and texturizing agents” (Column 4, Lines 5-7). Furthermore, Lynn’s whole egg replacer base includes lecithin, which is problematic, as explained in the present application, because “many times lecithin is made with egg yolks” (Page 4, Line 6). Thus, for this reason, while the present invention is intended to assist those who suffer from egg-related allergies, the Lynn invention, which not once mentions egg allergies, would be unable to serve the most important purpose of the present invention.

CONCLUSION

For the foregoing reasons, Applicant requests reconsideration of the rejection.

Respectfully submitted,



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